

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-11836-RCL

)
TRANS-SPEC TRUCK SERVICE, INC.)
d/b/a TRUCK SERVICE,)
 Plaintiff)
)
vs.)
)
CATERPILLAR INC.)
 Defendant)
)

**APPENDIX OF EXHIBITS TO TRANS-SPEC TRUCK SERVICE, INC.'S OPPOSITION
TO CATERPILLAR INC.'S MOTION FOR SUMMARY JUDGMENT AND AFFIDAVIT
OF CHRISTIAN G. SAMITO, ESQ.**

I, Christian G. Samito, state:

1 I am a member of the Bar of the District of Massachusetts, Of Counsel with the law firm of Donovan Hatem LLP, and represent Trans-Spec Truck Service, Inc. d/b/a Truck Service ("Trans-Spec"). I submit this affidavit in support of *Trans-Spec Truck Service Inc.'s Opposition to Caterpillar Inc.'s Motion for Summary Judgment on All Remaining Claims and Request for Oral Argument..*

2. Exhibits A through S are true and accurate copies of the following documents:

Exhibit A – Excerpts from Caterpillar Rule 30(b)(6) Deposition, September 21, 2005

Exhibit B – Trans-Spec's Amended Answer to Interrogatory Nos. 10 and 11

Exhibit C – Excerpts from Joseph M. Howard Deposition

Exhibit D – Excerpts from Albert Cardoza Deposition

Exhibit E – Excerpts from Ralph A. Lind, Jr. Deposition

Exhibit F – Excerpts from Harry Calderbank Deposition

Exhibit G – Excerpts from Donald Medbery Deposition

Exhibit H – Five Year/500,000 Mile Warranty Registration Certificate

Exhibit I – Two Year Warranty

Exhibit J – Excerpts of Repair Records of two C-12 engines owned by Trans-Spec, both with broken flywheel housings in November 2001

Exhibit K – Excerpts from Caterpillar Rule 30(b)(6) Deposition, September 22, 2005

Exhibit L – Report (without exhibits) of Trans-Spec's Expert, Dr. Ekchian

Exhibit M – Caterpillar Patent Number 6,065,757 filed on July 2, 1998

Exhibit N – Report (without exhibits) of Trans-Spec's Expert, Dr. Service

Exhibit O – Affidavit of Joseph M. Howard, Jr., dated June 2005

Exhibit P – Excerpts from Resumed Trans-Spec Rule 30(b)(6) Deposition, September 28, 2005

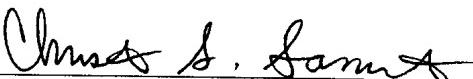
Exhibit Q – Affidavit of Joseph M. Howard, Jr., dated April 19, 2005

Exhibit R – Second Sct of Supplemental Answers to Third Set of Interrogatories, Answer No. 3

Exhibit S – Excerpts from Kevin Holmes Deposition

SIGNED UNDER THE PENALTIES OF PERJURY THIS 18th DAY OF APRIL, 2006.

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Christian G. Samito